

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

NICHOLAS A. BASBANES and NICHOLAS NGAGOYEANES (professionally known as Nicholas Gage), individually and on behalf of all others similarly situated,

Plaintiffs,

-against-

MICROSOFT CORPORATION, OPENAI, INC., OPENAI GP, L.L.C., OPENAI HOLDINGS, LLC, OAI CORPORATION, LLC, OPENAI GLOBAL, LLC, OPENAI, L.L.C., and OPENAI OPCO, LLC,

Defendants.

Civil Action No. 1:24-cv-84-SHS

**NOTICE OF PLAINTIFFS' MOTION TO (I) CONSOLIDATE THE AUTHORS' GUILD ACTION, THE SANCTON ACTION AND THE BASBANES-GAGE ACTION, (II) CREATE A STEERING COMMITTEE THAT INCLUDES PLAINTIFFS' COUNSEL, (III) APPOINT THE LAW FIRMS OF LIEFF CABRASER HEIMANN & BERNSTEIN, LLP AND SUSMAN GODFREY L.L.P. AS INTERIM CO-LEAD COUNSEL, AND (IV) RULE ON THE INSTANT MOTION BEFORE SO ORDERING THE JOINT SITPULATION FILED IN THE AUTHORS GUILD ACTION AND SANCTON ACTION**

PLEASE TAKE NOTICE that Plaintiffs Nicholas Basbanes and Nicholas Gage on behalf of themselves and all others similarly situated (“Plaintiffs”) will move this Court before the Honorable Sidney H. Stein, United States District Judge, at the United States District Court for the Southern District of New York, 40 Foley Square, New York, New York 10007, for an order (i) consolidating civil actions (a) 1:23-cv-08292-SHS (the “Authors Guild Action”), (b) 1:23-cv-10211-SHS (the “Sancton Action”) and (c) 1:24-cv-84-SHS (the “Basbanes-Gage Action,” and with the Authors Guild Action and the Sancton Action, the “Cases”), (ii) creating a steering committee that includes Plaintiffs’ counsel, (iii) appointing the law firms of Lieff Cabraser Heimann & Bernstein, LLP and Susman Godfrey L.L.P. (“Proposed Lead Counsel”) as interim co-lead counsel under Federal Rule of Civil Procedure 23(g), and (iv) ruling on the instant motion before So Ordering the Joint Stipulation filed by the parties in the Authors Guild Action and Sancton Action that those parties filed on Friday, January 19, 2024, and which requests the consolidation of only those two actions and proposes that those plaintiffs file a consolidated class action complaint by this Friday, January 26, 2024.

In support of the motion, Plaintiffs rely upon the accompanying memorandum of law and the Declaration of Michael P. Richter dated January 22, 2024, and any other written or oral argument as may be requested or permitted by the Court.

DATED: January 22, 2024  
New York, New York

GRANT HERRMANN SCHWARTZ & KLINGER  
LLP

By: /s/ Michael P. Richter

Michael P. Richter, Esq.  
Bryan M. Goldstein, Esq.  
107 Greenwich Street, 25<sup>th</sup> Floor  
New York, New York 10006  
[mrichter@ghsklaw.com](mailto:mrichter@ghsklaw.com)  
[bgoldstein@ghsklaw.com](mailto:bgoldstein@ghsklaw.com)  
Tel.: (212) 682-1800

*Attorneys for Mr. Basbanes, Mr. Gage and the  
Proposed Class*